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Chair: Ms. Mejía Vélez ..... (Colombia)

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The meeting was called to order at 10 a.m.

Agenda item 65: Rights of indigenous peoples
(A/71/228 and A/71/229)

(a) Rights of indigenous peoples

(b) Follow-up to the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples

1. **Mr. Hernandez Valencia** (Office of the United Nations High Commissioner for Human Rights), introducing the biennial report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Peoples (A/71/228), said that the Fund had supported the participation of 181 indigenous representatives in the sessions of the Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and many other meetings. The report strongly encouraged all States and other potential donors to consider contributing to the Fund so that it could continue to support the participation of indigenous peoples in decisions that affected their lives.

2. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples), introducing her third annual thematic report to the General Assembly (A/71/229), said that over the past year she had undertaken a study of the impact of conservation measures on indigenous peoples. The traditional lands of indigenous peoples were being declared protected at a rapidly increasing rate, and while such action had the potential to safeguard biodiversity for the benefit of all humanity, it was frequently associated with violations of their human rights, such as the expropriation of their territories, the killing of their community members and denial of access to livelihood activities. Indigenous peoples who had been evicted from their traditional lands suffered marginalization and poverty, and were commonly excluded from redress mechanisms and reparation. She deeply regretted that she continued to receive complaints about violations against the rights of indigenous peoples in the name of conservation.

3. Since her report to the General Assembly in 2015, she had conducted country visits to Sápmi (Finland, Norway and Sweden) in August 2015, Honduras in November 2015 and Brazil in 2016. With regard to Brazil, she regretted that many of the promises to the indigenous peoples displaced by the Belo Monte Dam were yet to be fulfilled. She had been pleased, however, to learn that the Tapajós Dam Project had been cancelled, as had been the long-standing demand of the Munduruku and other indigenous peoples living in that territory. The demarcation of indigenous peoples' lands in Cachoeira Sêca was another positive development.

4. She had also prioritized and significantly increased the number of communications addressed to Governments in relation to violations of indigenous peoples' rights. Since the beginning of 2016, she had sent over 50 communications to more than 30 States in relation to violations of a wide range of economic, social and cultural as well as civil and political rights.

5. She was pleased to note that, following the presentation of her report to the World Conservation Congress of the International Union for the Conservation of Nature (IUCN) in September 2016, the Congress had taken some of her findings into account in its resolutions, such as the need to safeguard indigenous lands, territories and resources from unsustainable developments, the overlap between protected areas and territories conserved by indigenous peoples and local communities, and the need to improve the participation of indigenous organizations in the IUCN structure.

6. Also in September 2016, she had presented her second report on the impacts of international investment agreements on indigenous peoples (A/HRC/33/42) to the Human Rights Council. Her third and final report on the subject would be presented to the Council in 2017.

7. Her next thematic report to the General Assembly in 2017 would follow up on discussions in the Permanent Forum in 2016 and explore how armed conflict, peace agreements and transitional justice affected the human rights of indigenous peoples, in particular their right to truth, justice and reparation.

8. She would also continue to closely monitor implementation of the Sustainable Development Goals. Indigenous peoples made up 5 per cent of the global population, yet accounted for 15 per cent of the world's poorest peoples. While it was positive that references to indigenous peoples had been included in the

indicators relating to agricultural productivity, education and in the need for national progress reviews, she regretted that the Goals did not include additional references to indigenous peoples among their targets and indicators. She wished to recall that she had urged for such inclusion and for the need for disaggregated data in order to monitor progress in her report to the General Assembly in 2014 (A/69/267).

9. The year 2017 would mark the tenth anniversary of the United Nations Declaration on the Rights of Indigenous Peoples and she would continue to pay close attention to the application of its wide-ranging provisions. Closing the gap between recognition of indigenous peoples' rights at the international level and their realization on the ground remained her main concern and she reiterated her commitment as Special Rapporteur to monitor how States and the United Nations were implementing the Declaration and the outcome document of the World Conference on Indigenous Peoples.

10. Lastly, she wished to reaffirm her commitment to promoting indigenous peoples' rights in close collaboration with indigenous peoples themselves and in coordination with relevant international mechanisms and institutions. She reiterated her pledge to address the human rights challenges brought to her attention and to be proactive in her efforts to prevent such situations from arising or escalating.

11. **Mr. Nuno** (Spain) said that, in line with the Special Rapporteur's recommendations, Spain had already ratified the Indigenous and Tribal Peoples Convention of 1989. Spanish aid and development agencies had promoted the organization of regional and national workshops in the Ibero-American countries with a view to facilitating tripartite dialogue on the realization of the right to free, prior and informed consent. He wondered whether upholding that right in respect of conservation measures was any different to its application in the case of commercial projects.

12. **Ms. Brooke** (United States of America) said that, while appreciating many of the report's recommendations, her delegation disagreed with some of its content, including the characterization of her Government's actions in relation to Yellowstone National Park and Yosemite National Park. Although indigenous peoples had historically been excluded from those parklands, the United States was currently working to include the historical presence of indigenous peoples in the interpretative materials of the parks.

13. In her report, the Special Rapporteur had suggested reforming the Operational Guidelines for the Implementation of the World Heritage Convention, which contained procedures for the designation of World Heritage sites. The Guidelines had been amended in 2015 to encourage States Parties to obtain the free, prior and informed consent of indigenous peoples when nominating sites for protection. In that light, she wondered whether the Special Rapporteur would recommend any further revisions.

14. **Mr. de la Mora Salcedo** (Mexico) said that, at the thirty-third session of the Human Rights Council, Guatemala and Mexico had advocated for a renewal of the Special Rapporteur's mandate for a period of three years, an initiative that had been supported by the countries members of the Council.

15. In her report, the Special Rapporteur had said that the Operational Guidelines for the Implementation of the World Heritage Convention, which set out the procedure for the inclusion of properties on the World Heritage List and the protection and conservation of sites, did not require participation by indigenous peoples. He therefore wondered how the procedures for evaluating potential sites in the Operational Guidelines should be amended to bring them into line with the United Nations Declaration on the Rights of Indigenous Peoples, and what reforms should be made to the way the Convention was implemented.

16. **Mr. Ruiz Blanco** (Colombia) thanked the Special Rapporteur for her participation in an academic forum on indigenous jurisdiction and access to justice, which had taken place in Colombia in February 2016. In his country, a high proportion of protected areas were located in indigenous territories for the sole purpose of protecting both the communities and the natural resources. The territorial rights of indigenous peoples and conservation measures were linked, and the complexities inherent to their implementation must be resolved.

17. **Mr. Naqi** (Canada) said that his country was working to promote self-government and self-determination of indigenous peoples and was negotiating comprehensive land claims in support of land rights. It was also proactively supporting indigenous

peoples in their pursuit of economic, social and cultural development. He would welcome information on key legal provisions and best practices for promoting an approach to conservation that took account of the rights of indigenous peoples, and on the gaps and barriers that were preventing States from adopting a human rights-based approach to conservation and what could be done to overcome them.

18. **Ms. Wacker** (Observer for the European Union) said that the rights of indigenous peoples and conservation should be treated as mutually reinforcing rather than mutually exclusive concepts. One of the premises of a human rights-based approach to conservation was the full recognition of indigenous peoples' participation. She wondered whether the Special Rapporteur was aware of any good practices adopted by States that enabled indigenous peoples to participate in the implementation of decisions as well as in the decision-making process, perhaps by empowering indigenous peoples to safeguard or steward national parks.

19. **Mr. Joshi** (India) said that India was a strong supporter of the promotion and protection of the rights of indigenous peoples and had therefore been disappointed by the Special Rapporteur's references to India in her report. They appeared to be based on a report by one non-governmental organization, which had used secondary sources of information. To the knowledge of his delegation, no Government agencies had been consulted. The constitution of India enshrined affirmative action in favour of its scheduled tribes. It was highly misleading to compare the tribal communities of India, which had lived alongside other communities in the diverse and pluralistic Indian society for thousands of years, with indigenous peoples in certain other parts of the world, who had suffered great injustices for centuries. India therefore strongly urged the Special Rapporteur to exercise greater care in the preparation of her reports and to refrain from including selective and ill-informed references.

20. **Ms. Mouflih** (Morocco) said that, as noted by the Special Rapporteur in her report, the protection and promotion of the rights of indigenous peoples required a global, participatory approach in which their development needs were taken into account at all levels of government. Her delegation would like to hear more about the culturally appropriate complaints mechanisms she had mentioned in her report.

21. **Ms. Katanasho** (Norway) said that Norway appreciated the open and constructive dialogue held during the Special Rapporteur's visit to the Sami region of Norway, Sweden and Finland in August 2015 and commended her work on the impact of international investment agreements on indigenous peoples' rights. Norway was currently drafting a model bilateral investment treaty that addressed the issue. As noted in the Special Rapporteur's report, the creation of protected areas and conservation activities would be further advanced by climate change initiatives, and the engagement of indigenous peoples and local communities would be crucial to the success of the new global framework on climate change. Currently, only 22 States had ratified the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169), and she wished to know how the Special Rapporteur was working with the ILO to promote broader ratification.

22. **Mr. Vanderley Cavalcanti Júnior** (Brazil) said that several positive developments had taken place recently in Brazil. In 2016 the Government had created a National Council for Indigenous Policy, and 200 posts had been added to the staff list of the National Foundation for Indigenous Peoples. Moreover, between 2008 and 2016, an additional 91,000 square kilometres had been demarcated as indigenous lands. He asked how the Special Rapporteur's mandate, the Permanent Forum on the Rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples might contribute to the ongoing debate about increasing the participation of indigenous peoples in United Nations activities.

23. **Ms. Becker** (Denmark) said that her delegation welcomed the Special Rapporteur's report, as well as her recommendations regarding the need to duly recognize the knowledge and experience of indigenous peoples when protecting nature. In that context, respect for the rights of indigenous peoples to self-determination, to participation and to free, informed, and especially, prior, consent were of the utmost importance. Denmark together with Greenland was working actively to uphold those principles at all levels. She requested examples of best practices at country level where a State, indigenous people and

conservationists had worked together successfully on conservation issues.

24. **Ms. Maduhu** (United Republic of Tanzania) said that her delegation wished to express its reservations regarding the claim made in the Special Rapporteur's report that there were indigenous people in the United Republic of Tanzania, since no such people, as defined by the United Nations and the African Union, existed there. The notion of indigenous people had found favour in the colonial era and had been used to belittle less developed local communities as culturally inferior. There had been no critical thinking since to revise that definition. The United Republic of Tanzania thus had difficulty accepting the notion and the definition itself.

25. **Ms. Tauli-Corpuz** (Special Rapporteur on the rights of indigenous peoples) said that the free, prior and informed consent of indigenous communities regarding any action directly affecting them was essential, including in the designation of conservation areas and World Heritage sites. Not only the consultation, but also the participation, of indigenous communities should be ensured. She took note of the reservation made by the United States delegation to the observations in her report regarding Yellowstone National Park and Yosemite National Park. The changes in park management mentioned by the delegation were welcome. The aim in the report had been to cite examples of past practices in national parks with a view to encouraging Governments to address legacy issues. One recommendation made at the thirty-fourth session of the World Heritage Committee held in Brasilia in 2010 that she had supported had been to create an advisory group on indigenous peoples to assist States in the designation of World Heritage sites, and the Committee was considering creating such a group and developing guidelines on the matter.

26. In terms of legal protection, not only the Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169, but also the Convention on Biological Diversity and the Paris Agreement on Climate Change, contained provisions protecting the rights of indigenous peoples and their knowledge systems. As to good practices, the increasingly leading role that indigenous persons played in co-managing protected areas in Australia and the protection of the rights of indigenous peoples afforded by the Forest Rights Act of India were to be commended, as was the human-rights based approach advocated by IUCN. She still received reports, however, of indigenous peoples being displaced because their traditional lands had been declared a conservation area, and she had thus recommended at the IUCN World Conservation Congress, held in September 2016, that not only States, but also conservation organizations, should establish complaints mechanisms.

27. She was also taking action to broaden the ratification of ILO Convention No. 169, starting with Sweden, Finland and the Philippines. It had been agreed during the most recent meeting of the Expert Mechanism on the Rights of Indigenous Peoples in Geneva, that the Mechanism, the Permanent Forum and her mandate would further strengthen collaboration between them and each would report on how they had pushed for the implementation of the Declaration on the Rights of Indigenous Peoples and on the follow-up action required leading up to the Declaration's tenth anniversary in 2017. In terms of enhancing the participation of indigenous peoples in the General Assembly, she was of the view that indigenous peoples should be designated a special category, but care would need to be taken to ensure that the designation would not in fact limit their participation.

28. She recognized the concerns expressed by the United Republic of Tanzania, but there were people in that country who identified themselves as indigenous peoples. The concept of self-identification was enshrined in the Declaration on the Rights of Indigenous Peoples, and if self-identified indigenous peoples existed in a country, the State should take measures to discuss and address the issue.

29. **Ms. Maduhu** (United Republic of Tanzania) said that there were minorities in her country who identified themselves as indigenous peoples. The Government of the United Republic of Tanzania recognized the existence of minorities that lagged behind in development terms and was taking measures to address their needs. It had, for example, in 2011 made an exception to village land ownership certification regulations for small hunter-gather communities, by enabling them to collectively register themselves as villages. Also, the Maasai, who had previously been largely landless, had been granted 2,500 square

kilometres of land, while 1,500 square kilometres had been protected as a crucial wildlife corridor.

30. **Ms. Guzmán Madera** (Dominican Republic), speaking on behalf of the Community of Latin American and Caribbean States (CELAC), said that CELAC reaffirmed its commitment to the implementation of the outcome document of the World Conference on Indigenous Peoples, and welcomed the recommendations made in the report of the Office of the High Commissioner for Human Rights submitted at its thirty-second session aimed at improving the Expert Mechanism, as well as the system-wide action plan adopted to ensure a coherent approach to achieving the ends of the Declaration on the Rights of Indigenous Peoples. CELAC countries also supported the consultation process being undertaken by the President of the General Assembly on possible measures to ensure the participation of indigenous peoples' representatives and institutions in meetings of United Nations bodies on issues affecting them and urged all relevant stakeholders to continue engaging actively in the process.

31. CELAC countries welcomed the 2030 Agenda for Sustainable Development, which recognized the link between eradicating poverty, combating inequality, preserving the planet, creating sustainable economic growth and fostering social inclusion. The eradication of poverty and the achievement of sustainable development with equity required efforts at all levels, as well as the inclusion of vulnerable groups like indigenous peoples. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development encouraged cooperation and the exchange of knowledge and recognized the contribution of traditional knowledge, innovations and practices to social well-being and sustainable livelihoods. In that regard, CELAC recognized the importance of traditional sustainable agricultural practices and upheld the rights of indigenous peoples regarding the exploitation of their resources and their traditional land tenure systems with a view to promoting a more sustainable production base that improved the natural environment. CELAC acknowledged the contribution of the collective action of indigenous peoples to biodiversity conservation and supported the multilateral negotiations under way to protect the patents on the traditional and ancestral knowledge and measures to promote the fair and equitable sharing of the benefits derived from their use. CELAC also supported the empowerment and capacity-building of indigenous women and youth and welcomed the increased attention paid to their situation by the Commission on the Status of Women.

32. General Assembly resolution 69/327 recognized that indigenous peoples, through some of their traditional values and principles, such as the Andean peoples' principles of *ama suwa* (do not steal) *ama llula* (do not lie) and *ama qhilla* (do not be lazy), were making a significant contribution to society by strengthening the commitment of individuals and collectives to improving the transparency of public administration and promoting inclusive and responsible public services within the framework of sustainable development.

33. **Ms. Young** (Belize), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM member States continued to work to ensure the effective implementation of the Declaration on the Rights of Indigenous Peoples and thanked the outgoing Secretary-General for his development of the system-wide action plan to ensure a well-articulated approach within the United Nations System and ultimately guarantee the effective participation of indigenous peoples in the processes and decisions affecting them. CARICOM was keenly following the consultations on ways to enable the further participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies and supported the excellent work of the United Nations Voluntary Fund for Indigenous Peoples in that regard. CARICOM States had themselves established ministries and commissions to ensure the representation of their indigenous peoples within the national framework and ensure their effective participation in all matters affecting their social, cultural and economic development.

34. CARICOM was proud to have participated in the formulation of the final document of the 2030Agenda for Sustainable Development, which made six specific references to indigenous peoples. The implementation of the Agenda must be pursued from a human-rights based perspective, in accordance with the Declaration on the Rights of Indigenous Peoples and with indigenous peoples as partners and rights-holders in the process. CARICOM States would continue to work to end human rights violations and to combat

discrimination against all indigenous peoples in their region and stood firm in their dedication to assisting their indigenous populations in their development.

35. Indigenous languages were of intrinsic value to all aspects of indigenous culture, including the survival of traditional knowledge. Only through the combined commitment of States and indigenous peoples to the revitalization of those languages would the erosion of their largely oral traditions and philosophies be halted. CARICOM therefore joined the General Assembly in calling for the proclamation of an international year of indigenous languages in 2018 or as soon as possible.

36. **Mr. de la Mora Salcedo** (Mexico), speaking on behalf of the Group of Friends of Indigenous Peoples, said that the Group recognized the value of working in partnership with indigenous peoples to protect the world's shared biodiversity and would continue to support the effective participation of indigenous peoples in the design, implementation and monitoring of conservation initiatives. The world must learn from traditional indigenous conservation practices and continue to transfer technical skills that enabled indigenous peoples to engage in conservation management.

37. The achievements of the United Nations Voluntary Fund for Indigenous Peoples, which had supported the participation of approximately 2,000 indigenous representatives in major decision-making processes at the United Nations during the previous 30 years, were to be celebrated as a contribution to the protection and promotion of indigenous peoples' rights. The Group urged all States and potential donors to contribute to the Fund, which, importantly, had supported indigenous peoples' engagement in the consultation process that aimed to enhance their participation in discussions at the United Nations. The Group commended the former and current Presidents of the General Assembly and the four advisers chosen to advance that participation for their commitment and for the open and transparent manner in which they had managed the consultations. The Group remained confident that an inclusive outcome would be reached by the end of the current session of the General Assembly. The Group urged Member States, indigenous peoples, civil society and the United Nations Secretariat to redouble efforts to ensure that the greatest possible number of indigenous peoples could continue to have their views represented.

38. Finally, he welcomed the Human Rights Council's request for the Expert Mechanism on the Rights of Indigenous Peoples to undertake a global study of the best practices and challenges related to the discrimination faced by indigenous peoples in business and access to financial services, in particular by indigenous women entrepreneurs.

39. **Ms. Wacker** (Observer for the European Union) said that both the United Nations Declaration on the Rights of Indigenous Peoples and the World Conference on Indigenous Peoples had led to new policy agendas and tools. The principle of inclusivity at the heart of the 2030 Agenda for Sustainable Development, reflected in the pledge to leave no one behind, was particularly relevant for indigenous peoples who, along with other vulnerable groups, deserved heightened attention. It was gratifying to see specific references to indigenous peoples in the targets on food security and education.

40. To help indigenous communities develop reliable community-based and community-owned data that could feed into the sustainable development targets of the 2030 Agenda, the European Union was providing financial assistance to the Indigenous Navigator project through the European Instrument for Democracy and Human Rights and the Global Public Goods Challenges programme of the Development Cooperation Instrument. Similar grants had been made to the International Labour Organization, the International Work Group for Indigenous Affairs, the Forest Peoples Programme, the Indigenous Peoples' International Centre for Policy Research and Education, known as Tebtebba, and the Asia Indigenous Peoples Pact.

41. The rights-based approach to development cooperation adopted by the Union in 2014, which encompassed all human rights, would be vital in strengthening the role of indigenous peoples in the planning and implementation of the Sustainable Development Goals. That approach implied the effective participation of indigenous peoples and their representatives throughout the process of the Union's development cooperation, including in the assessment of the opportunities and benefits of engaging in sustainable development activities.

42. Moreover, the European Union's Action Plan on Human Rights and Democracy 2015-2019 had taken that commitment a step further by incorporating the

rights-based approach into all external actions of the Union. The Action Plan's emphasis on economic, social and cultural rights included protection for human rights defenders working on land-related issues and indigenous peoples in the context of land-grabbing and climate change. It would also call greater attention to the implementation of the United Nations Guiding Principles on Business and Human Rights.

43. Lastly, she expressed the interest of the European Union in the report of the Special Rapporteur on the rights of indigenous peoples (A/71/229) and its satisfaction with the decision of the 33rd session of the Human Rights Council to amend the mandate of the Expert Mechanism on the Rights of Indigenous Peoples in line with the outcome document of the World Conference on Indigenous Peoples. The EU expected that the extended mandate would reinvigorate the dialogues and sharing of best practices by Member States and indigenous peoples.

44. **Mr. Petersen** (Denmark), speaking on behalf of the Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), said that the promotion and protection of the rights of indigenous peoples was a long-standing priority. Fulfilling the objectives of the United Nations Declaration on the Rights of Indigenous Peoples would require consistent work at the national and international levels. He stressed the importance of increasing the participation of indigenous peoples' representatives in all relevant United Nations forums, not solely those of the Economic and Social Council and its subsidiary bodies. Moreover, their representatives should not participate as non-governmental organizations but under a new category, as the existing categories did not reflect their unique features. The Nordic countries hoped that an inclusive outcome would be reached on the consultation process on indigenous peoples' participation in meetings by the end of the current session.

45. Indigenous peoples should enjoy the right to self-determination and to be consulted in decision-making processes which might directly affect them, including regarding biodiversity and conservation measures. He thanked the Special Rapporteur on the rights of indigenous peoples for highlighting in her report the strong correlation between safeguarding biodiversity and fulfilling the Declaration. The Nordic countries appreciated the recommendations in her report and firmly agreed that Member States, conservation organizations and indigenous peoples should create alliances to safeguard biodiversity and protect nature.

46. The Nordic countries welcomed the new mandate of the Expert Mechanism on the Rights of Indigenous Peoples and the Human Rights Council's request for it to carry out a global study on best practices and challenges related to indigenous peoples' rights. The study would also represent a good opportunity to strengthen dialogue between indigenous peoples and Member States on specific challenges in implementing the Declaration. As the tenth anniversary of the Declaration approached, it was high time to meet the objectives of the Declaration both at the national and international levels.

47. **Ms. Brooke** (United States of America) said that her country was a strong advocate of the Declaration and of the revision of the mandate of the Expert Mechanism, which should help Member States to achieve the Declaration's important objectives. The revamped Expert Mechanism would have greater capacity to respond to indigenous peoples' concerns; to consider recent and ongoing abuses; to solicit information from relevant sources; and to provide technical advice on developing legislation and policies to follow up on recommendations by United Nations mechanisms. Her delegation also supported greater cooperation between the Expert Mechanism and the Special Rapporteur on the rights of indigenous peoples in order to mutually reinforce each other's work.

48. While supporting the further expansion of the mandate of the United Nations Voluntary Fund for Indigenous Peoples, she called for greater transparency regarding the Fund's management and the granting of awards, since increased awareness of available funds would result in a more diverse pool of recipients. The United States would continue to search for ways in which to focus the United Nations system on the needs of indigenous peoples and, in particular, to increase the participation of indigenous peoples' representatives in United Nations meetings.

49. **Mr. Hasegawa** (Peru) said that there were 55 indigenous peoples in Peru, who spoke a total of 48 languages; through their traditions, knowledge and customs they were making invaluable contributions to the country's culture and identity. Peru promoted and guaranteed social equality and respect for the rights of indigenous peoples, in accordance with the relevant

international instruments. Legislation on the right to prior consultation had been enacted in 2011, making Peru one of the first countries in the region to implement the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) in that regard. To date, 24 consultations had been held between the State and indigenous peoples, involving over 20 indigenous groups and 600 communities. Consultations had concerned the development of the hydrocarbons sector, mining, environmental protection, health, languages and bilingual intercultural education.

50. In line with its belief in intercultural dialogue as the ideal means of upholding the rights of indigenous peoples, Peru had established joint forums at the local and national levels. In one petroleum-producing region, a contingency fund for environmental protection had been created and was being administered by a board with indigenous peoples' representatives, and funds had been allocated to protect the property rights of local communities. A working group which included indigenous peoples had been set up to provide a standing platform for the coordination of public policies involving indigenous peoples. Important agreements had been reached on adapting public services to indigenous traditions and ways of life. As an initial step, multilingual services were provided in civil registries.

51. Peru considered the recognition and protection of indigenous land and territory a priority. To that end, it had reclassified some territories as indigenous and was spearheading efforts to address problems faced by native communities in the Amazon region, such as deforestation and the titling of land.

52. **Ms. Natividad** (Philippines) said that the Philippines had some 14 million indigenous people, whose rights to their ancestral lands were enshrined in the Constitution and relevant legislation. The Indigenous Peoples' Rights Act had recognized the right of indigenous peoples to self-determination, the applicability of customary laws governing property rights, and the requirement that their free, prior and informed consent be obtained in relation to any developments that might have an impact on their land and resources. Indigenous peoples' representatives currently accounted for some 2,000 members of local decision-making authorities.

53. Indigenous peoples played a critical role in environmental protection and biodiversity conservation. Her Government was working with the United Nations Development Programme and the Philippine Association for Intercultural Development, a non-governmental organization, to implement a $6.78 million project aimed at improving environmental protection and biodiversity and protecting sacred tribal grounds and indigenous and community conserved areas. The purpose of the project was also to help the Philippines to meet the requirements of its international commitments, especially target 11 of the Aichi Biodiversity Targets under the Convention on Biological Diversity.

54. The Philippines had issued certificates of ancestral domain titles for around 4.5 million hectares of land, including to the Mandaya tribal communities around Mount Hamiguitan. Furthermore, the Government had established an interagency task force to meet indigenous peoples' concerns of land grabbing, forced eviction and human rights violations. The task force prevented titles from being issued within ancestral domains and verified the authenticity of all documents pertaining to the use of land belonging to indigenous communities.

55. **Ms. Pérez Sistos** (Mexico) said that the 15 million indigenous persons living in Mexico were an integral part of the national identity and heritage. Mexico endeavoured to achieve genuine inclusive development by improving their incomes and quality of life, without compromising their cultural identity or the planet's natural heritage.

56. She encouraged Member States to comply with the Outcome Document of the World Conference on Indigenous Peoples by placing the well-being of indigenous peoples at the centre of public policy. The best way of doing so was to promote the autonomy of indigenous peoples and tailor public policies to their specific needs. An office had been established to defend the voting and other civic rights of indigenous peoples. It also collaborated with the United Nations Development Programme by hosting a portal on good practices for the administration of justice, with a focus on rights and interculturality. Despite the numerous challenges which Mexico faced, it was committed to ensuring that indigenous persons continued to enjoy their full rights.

57. Her country's contributions to multilateral forums proved the added value of intercultural dialogue with indigenous peoples. Each year at the Human Rights Council, Mexico and Guatemala submitted a resolution on human rights and indigenous people identifying and analysing priorities deserving the international community's attention. Her delegation supported the initiative to extend the mandate of the Special Rapporteur on the rights of indigenous peoples by a further three years. It called for an increase in the number of experts in the Expert Mechanism to seven and an improvement of the coordination with other procedures. Further discussions were required on improving the working methods of the Permanent Forum on Indigenous Issues.

58. Her Government was pleased that the Commission on the Status of Women would focus at its next session on the advancement of indigenous women. Additional efforts should be made to increase the participation of indigenous peoples at all United Nations meetings; their knowledge could, in particular, be useful in the work of the General Assembly. Mexico would continue to strengthen dialogue with indigenous peoples at the national level.

59. **Mr. Ruiz Blanco** (Colombia), reiterating his country's support for reforms to increase the participation of indigenous peoples within the United Nations, emphasized that their objectives and needs must be reflected in any strategies adopted in that regard. Colombia had amended its legislation to grant indigenous peoples greater autonomy: communities in Colombia were now authorized to manage their own resources in the areas of health care, education, water and basic sanitation. Mechanisms had also been established for the legal protection of territories that had once been occupied or owned by indigenous peoples. The measures, which brought Colombia a step closer to creating indigenous territories with fully recognized rights, applied to 29.6 per cent of the national territory owned by indigenous peoples.

60. His Government was committed to the principle contained in the 2030 Agenda that no one should be left behind. It was working on a linguistic policy to recognize the 65 native languages in the country as official languages alongside Spanish. In recognition of the vulnerability of women during the armed conflict and with the goal of advancing their rights, it had provided leadership training to over 1,280 indigenous women. Lastly, the Victims' Rights and Land Restitution Act entailed a consultation process to help victims of armed conflict seek reparations and recover their land. Colombia was well aware of the importance of empowering indigenous peoples, helping them overcome difficult conditions and ensuring their inclusion in the country's transformation process as it strove to achieve peace, equality and social justice.

61. **Ms. Thomas Ramírez** (Cuba) said that the adoption of the Declaration was a historic victory in indigenous peoples' fight for the recognition of their ancestral rights. However, although Cuba had made great strides in the protection of the rights of indigenous peoples, who made up more than five per cent of the world population, many indigenous communities were still subjected to violence, marginalization and land grabbing. In Cuba alone, the original population of 120,000 had been decimated within 30 years of the arrival of the colonizers.

62. Her delegation urged the international community to recognize the equality and right to self-determination of indigenous peoples worldwide and their rights to preserve their own institutions, cultures and spiritual traditions, without fear of racism and discrimination. Conservation policies should be counterbalanced against the ancestral values of indigenous peoples. Indeed, studies had shown that areas over which indigenous peoples exercised ownership tended to be better preserved than adjacent areas.

63. Reaffirming the rights of all cultures to preserve traditional practices that were closely bound up with their identity, she supported the right of the Plurinational State of Bolivia to defend the tradition of Andean indigenous peoples to chew coca leaves. She urged Member States to protect the rights of tribes and communities to traditional and ancestral knowledge and the fruits of that knowledge.

64. **Ms. Anichina** (Russian Federation) said that the Russian Federation had always supported indigenous minorities in their aspiration to the fuller and more effective enjoyment of their rights and would continue to do so. Her Government considered the Declaration to be an important instrument for protecting indigenous peoples' rights at the national and international levels but that each Member State was responsible for defining tools to guarantee those rights on the basis of

the indigenous peoples' specific needs. The Russian Federation implemented a long-term sustainable development plan for indigenous minorities in northern Russia, Siberia and the Far East and had appointed numerous regional ombudsmen for indigenous peoples.

65. The issue of increasing the participation of indigenous peoples' representatives in United Nations bodies, which had recently been raised in the international community, should be addressed with caution. At least two platforms existed for the direct participation of indigenous peoples, the Expert Mechanism and the Permanent Forum, while other United Nations agencies had established special procedures for involving indigenous peoples in thematic issues, allowing them to submit alternative reports on a State's compliance with a treaty. The primary goal should therefore be to make indigenous peoples more aware of the opportunities already available to them for participation in United Nations bodies and other relevant international organizations.

66. Her delegation welcomed the reforms of the Expert Mechanism proposed at the thirty-third session of the Human Rights Council. She hoped that the body would in the future focus on collecting and sharing best practices in the implementation of the Declaration and providing expert advice to Member States on indigenous peoples' rights. Although the expansion of the Expert Mechanism to seven persons was a positive step, equitable geographical representation should be guaranteed.

67. **Ms. Diedricks** (South Africa) said that since the advent of the democratic dispensation in her country, the Government had amply demonstrated its commitment to the advancement of the human rights of indigenous peoples and communities, and in particular to the realization of their socioeconomic development. The Pan South African Language Board had been established to promote and create conditions for the development and use of languages, including indigenous languages. Legislative measures took into account traditional leadership structures and the value of indigenous knowledge. In addition, cultural and religious sites had been restored and indigenous communities had the right to lodge land claims for heritage and ancestral sites. South Africa welcomed the ongoing consultations aimed at addressing the importance for indigenous peoples to participate in United Nations meetings concerning them. The notion of "nothing about us without us" encapsulated the true spirit of "leaving no one behind".

68. The next step for the international community was to draw up a convention on the rights of indigenous peoples to provide for effective remedies where human rights violations had taken place and for the punishment of perpetrators, with zero tolerance for impunity. A legally binding international instrument was urgently needed to address the human rights violations that transnational corporations continued to perpetrate against indigenous peoples and their communities, lands and resources. Those corporations must be held accountable for their dreadful transgressions, which indigenous peoples characterized as genocide. The principle of free, prior and informed consent must not be just a guide but, indeed, should be the subject of a law to be complied with.

69. **Ms. Sabja** (Plurinational State of Bolivia) said that Bolivia was bringing its public policies in line with the various instruments on the rights of indigenous peoples that it had ratified. A structural change had been necessary in order to incorporate into the decentralized State the individual and collective rights enshrined in the United Nations Declaration on the Rights of Indigenous Peoples. The Plurinational State of Bolivia drew on indigenous wisdom and knowledge and on the principles of solidarity, complementarity, reciprocity, inclusion, equity, dignity and equality of opportunities. The outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, issued in 2014, served to define actions in defence of the life and territories of indigenous peoples and to initiate transformation on the basis of their wisdom and knowledge.

70. Bolivia was developing a strategic plan of action for the fulfilment of the rights of indigenous peoples. It was fundamental to highlight the right of indigenous peoples to land and its natural resources. Having resisted all forms of external and internal colonization, indigenous peoples in her country had, against all odds, preserved their culture, which was bound up with the philosophy of good living, or living in harmony and equilibrium with Mother Earth. Public policies that were part of the process of decolonization and depatriarchalization were being implemented. Under

the 2025 Patriotic Bicentennial Agenda, Bolivia was building a new inclusive, participatory and democratic society, free from discrimination or racism, the principal goal being to eradicate extreme poverty. Indigenous know-how relating to the medicinal properties of plants and animals that were part of their biodiversity was vital. Self-sufficiency in food production and nutrition was also being pursued.

71. The Plurinational State of Bolivia fully supported the consultation process being developed by the President of the General Assembly with a view to ensuring that the representatives of indigenous peoples and institutions could participate in meetings of United Nations bodies where issues relevant to them were being discussed. Her country looked forward to participating in the high-level meeting scheduled for 2017 to mark the tenth anniversary of the Declaration, at which the international community would take stock of the progress achieved and outstanding issues.

72. **Ms. Sandoval** (Paraguay) said that indigenous people accounted for 1.7 per cent of the Paraguayan population and belonged to 19 ethnic groups living in 493 communities across the country. One of the two official languages of Paraguay was Guarani, an indigenous language that was widely spoken by the population as a whole. The indigenous heritage was a fundamental element of the cultural identity of the Paraguayan people. Paraguayan law safeguarded the right of indigenous people to communal ownership of sufficient land to ensure the preservation and development of their distinct way of life. It also guaranteed their right to participate in political life and in decision-making on matters that affected their rights.

73. The Indigenous Health Act provided for culturally sensitive medical services. Various social protection programmes, including conditional cash transfers, were gradually being extended to indigenous families and housing units were being constructed in indigenous settlements. A recently introduced bill sought to ensure that indigenous peoples would be consulted on any development project that was likely to affect their way of life, territory or environment. Also being considered was a draft protocol on consultation of indigenous communities to obtain their free, prior and informed consent for any such project.

74. In conjunction with the United Nations, the Government of Paraguay was drawing up a national plan for indigenous peoples in compliance with one of the mandates established in the outcome document of the high-level plenary meeting of the General Assembly on indigenous peoples.

75. **Archbishop Auza** (Observer for the Holy See) said that the ongoing struggle of the indigenous peoples to preserve their heritage, language, religious traditions and livelihoods through the realization of their right to self-determination was not only their concern but a concern for the entire world. An economy driven by motives of profit and individual gain rather than responsibility for one's neighbour, the environment and the common good had left the indigenous people further and further behind. They were displaced from their traditional homelands, with which they were both physically and spiritually in communion, by extractive companies, public works and even well-intentioned land conservationists. Thus uprooted, they experienced higher rates of poverty, unemployment, and social and food insecurity than non-indigenous populations. Indeed, they accounted for nearly 15 per cent of the world's poor in spite of being only 5 per cent of the world's population.

76. Pope Francis had called for a humane alternative to globalization and one that did not exclude vulnerable groups. The indigenous peoples would not only be beneficiaries of such an alternative approach but would also become protagonists of their own development. Their voices were crucial in any such discussion. They must be players and not spectators in the implementation of the 2030 Agenda and the Paris Agreement on climate change. The indigenous peoples were justifiably demanding not only respect for their rights but also the integration of indigenous knowledge into relevant socioeconomic and environmental policies. Their representatives and institutions must be allowed to participate more fully in meetings of relevant United Nations bodies, especially on issues of direct concern to them. The inclusive, representative and transparent consultations held at the seventieth session of the General Assembly should be pursued with greater vigour at the current session.

77. **Mr. Skinner-Klee** (Guatemala) said that his delegation welcomed the recent, timely adoption of Human Rights Council resolution 33/25 on the amendment of the mandate of the Expert Mechanism on the Rights of Indigenous Peoples and the request

that an annual study should be prepared on the rights of indigenous peoples worldwide. The concerted efforts of the mechanisms of the Human Rights Council would make it easier to effectively monitor fulfilment of the commitments and empower indigenous peoples.

78. The 2030 Agenda was an opportunity to assess progress towards the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. Equity, social and financial inclusion and access to loans were fundamental for ensuring that indigenous and all other peoples had access to justice, civic and political participation and a full and dignified life. His delegation supported empowerment and capacity-building for indigenous women, including their participation in the adoption of decisions that concerned them, in particular in the areas of health, education and employment. Awareness-building campaigns were vital for informing them of their rights and advising them on ways of ensuring the fulfilment of those rights. Guatemala fully supported the consultation process under way under the leadership of the President of the General Assembly to ensure the participation of representatives and institutions of indigenous peoples in relevant United Nations meetings.

79. **Mr. Mendoza-Garcia** (Costa Rica) said that as a State Party to the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), his country had already established a regulatory framework for the promotion and protection of the rights of indigenous peoples. Costa Rica had supported the Declaration on the Rights of Indigenous Peoples since it was adopted and already had ample legislation covering such matters as land rights, communal property and access to safe drinking water and health care.

80. He stressed that Article 66 of his country's 1998 Law on Biological Diversity recognized the right of local communities and indigenous peoples to prevent access to their resources or to any related knowledge for cultural, spiritual, social, economic or other purposes. Such legislation took account of the potential impact on the rights of indigenous peoples when environmental protection zones were established in areas that included indigenous lands. Interagency coordination was under way to ensure the proper implementation of such provisions.

81. At the same time, the Ministry of the Environment and Energy was beginning to draft legislation governing wetlands, for which consultations would be carried out in six regions of the country, including with indigenous communities native to the areas slated to be receive protected status. The consultative process would seek to ensure the sustainable management of those areas and to take into account the needs and rights of local populations.

82. The Government's integrated approach to the human rights of the indigenous peoples represented a departure from previous policies based on handouts and assimilation, which had only entrenched poverty and discrimination. A recent directive had launched a broad consultative process throughout the 24 territories with the aim of establishing a mechanism to ensure the right of indigenous peoples to participate in decisions on matters that affected them. The mechanism would also serve to consolidate all projects in those areas and provide the necessary infrastructure for development and establish a framework for the representation of the indigenous peoples in international organizations. Additional measures for land restitution in the 24 designated territories were also under discussion.

83. Finally, despite the solid legal provisions already in force in his country, indigenous peoples still faced challenges in terms of full implementation of their rights. There was still a significant effort to achieve reconciliation to be made. His country would continue to rely on the invaluable support of the United Nations, the Office of the Special Rapporteur on the rights of indigenous peoples and the national Office of the Ombudsman.

84. **Mr. Jelinski** (Canada) said that the Government of Canada was deeply committed to renewing its relationship with the indigenous peoples of Canada, on the basis of recognition of their rights and in a spirit of respect, cooperation and partnership. Reconciliation was key to that renewal and had required a significant shift in how the Government functioned and in the way Canadians viewed and interacted with one another. To that end, it was continuing the process of truth-telling, healing and working with Canadian First Nations, Métis and Inuit. The Truth and Reconciliation Commission had issued calls to action and a national reconciliation framework was being developed. A national inquiry into the missing and murdered indigenous women and girls had been launched.

85. As announced at the United Nations Forum on Indigenous Issues in May 2016, Canada had become a full supporter, without qualification, of the United Nations Declaration on the Rights of Indigenous Peoples. Section 35 of the Constitution of Canada specifically recognized and confirmed aboriginal and treaty rights, but the Declaration would provide a more robust framework for the recognition of those rights. The Government was also re-engaging in a renewed nation-to-nation process with indigenous peoples in order to achieve real progress on the issues most important to them and fulfil its human rights commitments.

86. **Ms Nunoshiba** (Japan) said that the Ainu, an indigenous people with a unique language and a distinct religion and culture, lived in the northern part of the Japanese Archipelago, especially on the island of Hokkaido. The Government of Japan and representatives of the Ainu had come together to discuss comprehensive and effective measures relating to issues such as education, revitalization of the Ainu culture and the promotion of industrial development. The Ainu language and traditional crafts were endangered. Various programmes to revive them would be offered at a new national centre currently being constructed. Designated the "Symbolic Space for Ethnic Harmony", the centre would consist of a national museum and park, surrounded by lakes and forests. It would also include a memorial hall where the remains of Ainu people would be kept and honoured.

87. The good-faith dialogue with the Ainu people contributed to the achievement of a society free from discrimination and where diversity was respected. Guided by the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, Japan would continue to tackle the problems faced by indigenous peoples in cooperation with other members of the international community.

88. **Ms. Maduhu** (United Republic of Tanzania) said that her delegation wished to reiterate its reservations regarding the claim that indigenous communities existed within her country's jurisdiction. Under colonialism, pastoral societies in Africa had been marginalized and discriminated against. Immediately after independence, her country had adopted measures to improve the well-being of people regardless of their ethnicity or tribal affiliation and had sought to redress inherent imbalances. Constitutional and legislative mechanisms had been put in place to protect pastoralists and hunter-gatherers against discrimination of all forms, including affronts to their dignity and discrimination on the basis of their livelihood. Their right to own property was protected under the Constitution and an independent judiciary heard and determined all disputes, including land disputes from the grass-roots level as well as allegations of human rights violations.

89. A few minority groups in the country maintained their traditional way of life and were dependent on access to lands and accompanying natural resources. All the country's inhabitants of African descent were indigenous. Her country had no indigenous peoples as defined by the United Nations or the African Union.

90. **Mr. Chu Guang** (People's Republic of China) said that, in implementing the 2030 Agenda, the countries concerned must activate their political will and take effective actions to eradicate poverty among indigenous people. Fostering economic development would improve the employment prospects, education opportunities, health and housing conditions of the latter. Protection of the rights and interests of indigenous peoples must be secured by law and indigenous peoples must share the benefits of economic and social development. The United Nations agencies and programmes should implement all the aims of the System-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples by strengthening monitoring functions and making sure that the countries concerned fulfilled their obligations under the Declaration.

91. China welcomed the participation of representatives and institutions of indigenous peoples in United Nations discussions relevant to their interests and rights. Fuller participation by those representatives would enhance the role of the United Nations system in efforts to promote the rights of indigenous peoples. Specific arrangements for indigenous peoples to participate in United Nations meetings should be made in accordance with the principles and purposes of the United Nations Charter. The sovereign right and territorial integrity of countries should be respected and the intergovernmental nature of

the consultative process within the United Nations preserved. Not every country had indigenous people. People living on their ancestral lands should not be categorized as indigenous. Non-governmental organizations masquerading as indigenous peoples should be prevented from entering the United Nations.

92. **Ms. Karimdoost** (Islamic Republic of Iran) said that, by virtue of their love for Mother Earth and respect for nature, indigenous peoples would be valuable partners in implementing Agenda 2030. Colonialism, using falsehoods such as the doctrine of discovery, had systematically and savagely violated the rights of indigenous peoples for hundreds of years. The system-wide action plan to implement the outcome document of the high-level plenary meeting of the General Assembly on indigenous peoples was an important step towards empowering indigenous peoples both nationally and internationally. However, as the countries in the northern hemisphere that still had the most disadvantaged indigenous peoples did not host United Nations development agencies, it was unclear how the special needs of those peoples would be met.

93. Her delegation recognized the legitimate request of indigenous peoples for the right to participate in United Nations meetings concerning them and called for a full examination of all available mechanisms, including the Permanent Forum on Indigenous Issues. She feared that the claims of other groups purporting to be indigenous might overshadow the rights of indigenous peoples and ultimately harm the interests of the latter. No entity should be allowed to misuse the title of indigenous people and put the legitimate interests of bona fide members of those communities at risk.

The meeting rose at 12.55 p.m.